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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,459	04/02/2001	Takahiro Abe	06753.0439	8959

22852 7590 10/21/2004

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EXAMINER

NORRIS, TREMAYNE M

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/822,459

**Applicant(s)**

ABE ET AL.

**Examiner**

Tremayne M. Norris

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/16/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on April 3, 2000. It is noted, however, that applicant has not filed a certified copy of the 2000-100909 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Finkelstein (US pat 5,060,265).

Regarding claim 1, Finkelstein teaches a stream enciphering method for generating a cryptographic code by carrying out exclusive-OR operations between a plaintext code which is a secrecy object and a PN signal, wherein a cycle contradictory to the basic processing unit of said plaintext code is employed as a cycle of said PN signal (col.1 lines 29-37; col.2 lines 17-23; col.2 line 59 thru col.3 line 17).

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Regarding claim 2, Finkelstein teaches a deciphering method for deciphering a cryptographic code to a plaintext code which is a secrecy object, the cryptographic code being enciphered by a stream enciphering method for generating the cryptographic code by carrying out exclusive-OR operations between the plaintext code and a PN signal having a cycle contradictory to a basic processing unit of said plaintext code, wherein said cryptographic code is restored to an original plaintext code by carrying out exclusive-OR operations by obtaining synchronism between said cryptographic code and a same PN signal as said PN signal (col.1 lines 29-37; col.2 lines 17-23; col.2 line 59 thru col.3 line 17).

Regarding claim 3, Finkelstein teaches a cryptographic communication system constituted so as to be capable of achieving cryptographic communication between a transmitter side and a receiver side, wherein

said transmitter side comprises:

a plaintext storage means for storing a plaintext code which is a secrecy object by each basic processing unit (col.3 lines 29-56);

a transmitter side PN signal storage means for storing a PN signal which has a contradictory cycle to the basic processing unit of said plaintext code (col.3 lines 1-28);

an enciphering means for generating a cryptographic code by carrying out exclusive-OR operations between the plaintext code stored in said plaintext storage means and the PN signal stored in said transmitter side PN signal storage means; and

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a transmitting means for transmitting the cryptographic code generated by said enciphering means to the receiver side (col.1 lines 29-37; col.2 lines 17-23; col.2 line 59 thru col.3 line 17), and

said receiver side comprises:

a receiving means for receiving the cryptographic code transmitted from said transmitting means;

a cipher text storage means for storing the cryptographic code received by said receiving means by each basic processing unit;

a receiver side PN signal storage means for storing a same PN signal as the PN signal stored in said transmitter side PN signal storage means; and

a deciphering means for deciphering the cryptographic code to an original plaintext code by carrying out exclusive-OR operations by obtaining synchronism between the cryptographic code stored in said cipher text storage means and the PN signal stored in said receiver side PN signal storage means (col.1 lines 29-37; col.2 lines 17-23; col.2 line 59 thru col.3 line 17).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (571) 272-3874. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tremayne Norris

October 14, 2004



Andrew Caldwell  
Andrew Caldwell